

dated April 12, 1999. Pursuant to 37 C.F.R. § 1.17, a check in the amount of \$680.00 is enclosed, which is the process fee (\$380.00) for a two-month extension of time. If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Assistant Commissioner is authorized to deduct or credit said fees from or to Arnold, White & Durkee Deposit Account No. 01-2508/TNRP:041/HYL.

### **AMENDMENTS**

#### **In the Claims**

Please cancel claims 34, 35, 71, 72, 106, 107, 135, 136, 140, 141, 144 and 145 and amend the remaining claims as indicated below:

1. (Three times amended) A method of inhibiting growth of a p53-positive tumor cell in a [mammlian] mammalian subject with a solid tumor comprising the steps of :

- (a) providing a viral expression construct comprising a promoter functional in eukaryotic cells and a polynucleotide encoding a functional p53 polypeptide, wherein said polynucleotide is positioned sense to and under the control of said promoter; and
- (b) directly administering said viral expression construct to said tumor *in vivo*, the administration resulting in expression of said functional p53 polypeptide in cells of said tumor and inhibition of tumor cell growth,

wherein said tumor comprises cells that express a functional p53 polypeptide.

14. (Amended) The method of claim 11, wherein the amount of adenovirus [administered] in each [contacting] administration is between about  $10^7$  and  $10^{12}$  pfu.

64. (Amended) The method of claim 61, wherein said DNA damaging agent is contacted [contacting] before and after resection.

109. (Twice amended) A method of inhibiting tumor cell growth in a mammalian subject having a solid tumor comprising the step of [continuously] catheterizing and perfusing a tumor site in said patient with a viral expression construct comprising a promoter functional in eukaryotic cells and a polynucleotide encoding a functional p53 polypeptide, wherein said polynucleotide is positioned sense to and under the control of said promoter, the administration resulting in expression of said functional p53 polypeptide in cells of said tumor and inhibition of their growth.

## **REMARKS**

### **I. Status of the Claims**

Claims 1-14, 16-20, 26-77 and 80-145 are pending in the application. Claims 33-35, 69-72, 104-107, 133-136, 140, 141, 144 and 145 stand rejected under 35 U.S.C. §112, first paragraph, and claims 140 and 144 stand rejected under 35 U.S.C. §112, second paragraph. Claims 38-68, 73, 109-132 and 137 stand rejected under 35 U.S.C. §103 as obvious over Liu *et al.* (1995) ("Liu I") or Wills *et al.* ("Wills") in view of Zhang *et al.* ("Zhang") or Brahmwell.